

**REMARKS****Foreign Priority**

Applicants thank the Examiner for acknowledging Applicants' priority claim to Japanese Application No. 2002-287768.

**Summary of the Amendments**

Upon entry of the foregoing amendment, claims 1, 2, 6 and 9 are amended, and claims 4-5 are canceled, whereby claims 1-3 and 6-11 currently remain pending. Support for the amendments can be found, for example, in Applicants' specification is inherent therein, including for example, paragraphs [0008], [0010], and [0011]. Applicants submit that no new matter is added.

In addition, claim 6 and paragraphs [0059] and [0060] have been amended to remove the double negative grammatical errors apparently from an incorrect translation from the Japanese priority document. Applicants note that support for the amendments can be found in paragraphs [0025] and [0026] of Applicants' Japanese Priority document Japanese Application No. 2002-287768. Applicants submit that no new matter is added.

In addition, Applicants submit herewith Replacement Drawing Figures 16-18 indicating the legend --Related Art--, as suggested by the Examiner.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection

based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

## RESPONSE TO CLAIM REJECTIONS

### **1. The rejection of claims 1-11 under 35 U.S.C. § 103(a) as being unpatentable over BOURELL.**

---

In the instant Office Action, claims 1-11 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Pat. No. 4,944,817 (hereinafter, "BOURELL"), and further in view of "admitted prior art" (paragraphs [0002]-[0007] of Applicants' specification).

The Office Action states that in view of paragraphs [0002]-[0007] (of which the Office Action alleges is admitted prior art), it would have been obvious to provide a lower density second sintered layer over a higher density first layer in the invention of BOURELL in order to reduce cracking and defects as taught in paragraphs [0002]-[0007] of Applicants' specification.

Applicants respectfully request withdrawal of the obviousness rejections in view of the following remarks. Applicants respectfully submit that a *prima facie* case of obviousness is not established by BOURELL in view of the alleged admitted prior art of Applicants' disclosure for at least the following reasons.

*A prima facie* case of obviousness requires:

- a) the presence of all claimed elements,
- b) the motivation to combine the separate reference teachings, and

c) a reasonable expectation of success.

The Office Action fails to establish any of these requirements.

**(a) The combination of cited documents fails to disclose all elements of the present claims**

First, regarding the presence of all claimed elements, Applicants respectfully submit that the requirement that all claimed elements be taught or suggested in the cited document(s), and this requirement has not been met.

For instance, BOURELL fails to disclose or suggest at least a “second lower density layer is formed through the additional intermediate layer on the first higher density layer” as presently claimed in claim 1. Therefore, in view of at least the foregoing remarks, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection of claims 1-11.

In contrast with the present claims, BOURELL fails to disclose all features of claim 1, and Applicants' specification at paragraphs [0002]-[0007] fails to correct the deficiencies of BOURELL. Applicants' presently claimed invention has the unique advantages of providing good adherence between lower density layers and higher density layers, by providing a lower density layer **formed through** the additional intermediate layer. (see, e.g., paragraph [0011] of Applicants' specification).

Applicants respectfully note that BOURELL fails to disclose at least a method wherein “second lower density layer is formed through the additional intermediate layer on the first higher density layer” as presently claimed.

Moreover, in contrast with the assertions in the Office Action, Applicants' disclosure at paragraphs [0002] – [0007] fail to correct the deficiencies of BOURELL because there is no mention of a lower density layer **formed through** the additional intermediate layer. Therefore, BOURELL fails to disclose "**second lower density layer is formed through the additional intermediate layer on the first higher density layer**" as claimed in the present invention. Applicants respectfully submit that the Office bears the burden of showing the presence of all of these claimed elements, which it has not done. Merely pointing to Applicants' disclosure for motivation to reach all claimed elements is not sufficient. Therefore, for at least the foregoing reasons, the obviousness rejection of BOURELL in view of "admitted prior art" fails to render the claims unpatentable.

Therefore, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection of claims 1-11.

**(b) The Cited Documents Fail to Provide Motivation to Arrive at the Claimed Invention**

Second, regarding motivation to combine the separate reference teachings, to properly establish a *prima facie* case of obviousness, assuming, *arguendo*, that the rejection is based on a proper combination, the combined teachings must disclose all of the recitations of the rejected claims and the cited document(s) must contain some suggestion or motivation for such combination. Applicants respectfully submit that the document cited in rejection (BOURELL)

fails to provide specific motivation to arrive at the claimed invention. Moreover, pointing to the disclosure in Applicants' specification is improper, especially when Applicants' disclosure teaches away from the present invention. Thus, Applicants respectfully submit that mere statements that it would have been obvious to one of ordinary skill in the art without pointing to specific support in the cited document **is not sufficient** to satisfy the *prima facie* case of obviousness.

Therefore, for at least the foregoing reasons, Applicants respectfully submit that the presently claimed three dimensional object would not have been obvious in view of BOURELL and "admitted prior art." Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection of claims 1-11.

**(c) There would have been no expectation of success**

Finally, despite the assertions in the Office Action, there would have been no expectation of success of achieving the specific recitations of the present claims. There is no reason to believe that Applicant's particularly method of preparing a three-dimensional sintered product would have resulted by combining the BOURELL with the "admitted prior art."

For example, regarding claim 1, BOURELL fails to disclose "second lower density layer is formed through the additional intermediate layer on the first higher density layer" as presently claimed. Moreover, Applicants' disclosure at paragraphs [0002] – [0007] discloses the **disadvantages** in the related art such as "warping", "cracking," and low "adhesive power." Therefore, there is no

reason to believe that Applicants' particularly claimed method would have resulted from the combination of BOURELL in view of "admitted prior art."

Therefore, Applicants respectfully submit that the presently claimed method of preparing a three-dimensional sintered product would not have been obvious in view of the combination of BOURELL and "admitted prior art." Accordingly, Applicants respectfully request withdrawal of the 35 U.S.C. § 103 rejection.

***Application is Allowable***

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. § 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

***Authorization to Charge Deposit Account***

If for any reason the necessary fees are not associated with this file, the undersigned authorizes the charging of any necessary fees not explicitly identified, to Deposit Account No. 19-0089 in order to maintain pendency of this application.

**CONCLUSION**

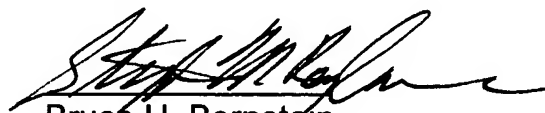
In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipates or renders obvious the Applicants' invention, as recited in each of claims 1-3 and 6-

11. In addition, the applied documents of record have been discussed and distinguished, while significant claimed features of the present invention have been pointed out.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Satoshi ABE et al.



Bruce H. Bernstein  
Reg. No. 29,027

November 16, 2006  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

Stephen M. Roylance  
Reg. No. 31,296

{P24340 00086202.DOC}